

o'clock P. M., presented the same to the Governor for his signature, this February 9, 1881.

TILSON, for committee.
COMMITTEE ROOM,
AUSTIN, February 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled and properly signed, Senate bill No. 46, "An act to amend article 1289, chapter 11, title 29 of the Revised Civil Statutes of the State of Texas," and on this February 9, 1881, at 12:35 o'clock P. M., presented same to the Governor for his signature.

TILSON for Committee.

Senator Patton, by leave, introduced a bill entitled, "An act amendatory of article 2607, chapter 12, title 47 of the Revised Civil Statutes of the State of Texas" Referred to Judiciary Committee No. 1.

Also, by leave, a bill entitled "An act to amend title 11, chapter 1, article 241 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879." Referred to Committee on State Affairs.

Senator Martin of Navarro, by leave, introduced a bill entitled "An act to amend articles 2076 and 2077, title 37, chapter 22 of the Revised Civil Statutes of the State of Texas, and providing for the advertising of sales of real estate by administrators and executors." Referred to Judiciary Committee No. 1.

Senator Henderson, by leave, introduced a bill entitled, "An act regarding the school lands belonging to the various counties of this State and setting apart the balance of such lands that may be due to them." Referred to Committee on Public Lands.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined substitute for Senate bill No. 28, "An act to amend article 560 of the Code of Criminal Procedure;" Senate bill No. 10, entitled "An act to prescribe the requisites of indictments in certain cases;" and find said bills correctly engrossed.

STUBBS, for Committee.

Senator Lane moved to postpone the regular order of business, and take up Senate joint resolution No. 30, "Amending section 30, article 16 of the Constitution, fixing the duration of all the offices in the State for a period of four years, except members of the Legislature and judges of the Appellate and Supreme Courts." Adopted.

Bill taken up and read third time.

Senator Gooch offered the following amendment:

Section 2. It shall be the duty of the Governor to give legal notice of this proposed amendment, and issue his proclamation submitting it to the electors of the State at the general election in the year 1882.

Adopted by the following vote:

YEAS—21.

Buchanan of Wood,	Lair,	Powers,
Burges,	Lane,	Rainey,
Burton,	Lightfoot,	Shannon,
Gooch,	Martin of Cooke,	Stubbs,
Harris,	Martin of Navarro,	Swain,
Henderson,	Moore,	Weatherred,
Hightower,	Patton,	Wynne.

NAYS—3.

Homan,	Terrell,	Tilson.
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NOT VOTING—2.

Cooper,	Stewart.
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Resolution lost by the following vote, it taking two-thirds of all the Senators elected to carry it:

YEAS—17.

Buchanan of Wood,	Henderson,	Lair,
Burges,	Hightower,	Lightfoot,
Gooch,	Homan,	Martin of Cooke,

Moore,
Patton,
Powers,

Rainey,
Stubbs,
Swain,

Weatherred
Wynne.

NAYS—6.

Harris,
Lane,

Martin of Navarro,
Shannon,

Terrell,
Tilson.

NOT VOTING—3.

Burton,

Cooper,

Stewart.

Senator Lane moved to reconsider the vote just taken.

Senator Lane moved to withdraw his motion to reconsider the passage of House bill No. 7 (the sailors' bill). Ruled out of order, as the time had elapsed.

Senator Gooch moved that Senator Lane be permitted by the Senate to withdraw his motion. Adopted, and the motion withdrawn.

The third special order, being House concurrent resolution with regard to joint committees on apportionment, was taken up.

On motion of Senator Shannon, the committee amendment was adopted, and resolution adopted.

On motion of Senator Homan, the Senate adjourned until 10 o'clock to-morrow morning.

TWENTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, February 10, 1881. }

Senate met pursuant to adjournment; President Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon, the reading of the journals of yesterday was dispensed with, and the same adopted.

Senator Homan presented a petition signed by citizens of Burleson county, asking the Legislature to pass an act during the present session submitting to the voters a constitutional amendment prohibiting the importation, sale and manufacture of intoxicating liquors as a beverage. Referred to Committee on Constitutional Amendments.

Senator Rainey, chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Counties and County Boundaries to whom was referred Senate bill No. 145, "An act to amend sections 1, 4, 5, 6, 7 and 10 of 'an act establishing and prescribing the manner of ascertaining the boundaries of counties,' approved April 23, 1879," have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

RAINEY, Chairman.

Bill read first time.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts to whom was referred Senate bill No. 146, "An act to create the county of John Upton and to define the boundaries thereof," have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it be referred to the Committee on Counties and County Boundaries.

WEATHERRED, Chairman.

Report adopted and bill so referred.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have considered Senate bill No. 152, entitled "An act to amend title 11, chapter 1, article 241 of the

Revised Civil Statutes of Texas, adopted February 21, 1879," and they authorize me to report the same back to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Bill read first time.

Senator Stubbs, chairman of Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 75, entitled "An act for the protection of fish and oysters in salt and tide waters, affixing penalties, and providing for the appointment of a commissioner," have had the same under consideration, and instruct me to report back the accompanying substitute therefor, and recommend its passage.

STUBBS, Chairman.

Bill read first time.

Senator Gooch offered the following resolution:

WHEREAS, It appears that the Senate has upon its roll of employees twenty-four persons, at a daily cost of \$100.

And whereas, proper public policy demands that their number and cost be diminished as soon as the work of the session has sufficiently advanced to justify it; therefore, be it

Resolved, That the Committee on Retrenchment and Reform be and are hereby directed to investigate and report as soon as practicable, whether we can dispense with any of the employees, and which of them.

Adopted.

Senator Powers introduced a bill entitled "An act to reorganize the Twenty-fifth Judicial District of the State of Texas, and to prescribe the times for holding the district courts therein." Referred to Committee on Judicial Districts.

Senator Gooch introduced a bill entitled "An act to define the duties and liabilities of employers who advance the cost of transporting immigrants into this State, of such immigrants, and of others dealing with them, and to prescribe penalties for violating its provisions." Referred to Committee on Agricultural Affairs.

Also, a bill entitled "An act for leasing the public free school lands of the State of Texas, and prescribing regulations and penalties to render it efficient." Referred to Committee on Educational Affairs.

Senator Hightower introduced a bill entitled "An act to establish the Sears Normal School." Referred to Committee on Educational Affairs.

Senator Burton offered the following resolution:

Resolved, That the President of the Senate is hereby authorized and requested to appoint one additional page.

Referred to Committee on Retrenchment and Reform.

Senator Buchanan of Wood introduced a bill entitled "An act to ascertain amounts due county school superintendents and school directors of the respective counties of this State for services rendered in the administration of the school law from September 1, 1875, to August 1, 1876, and to provide for the payment of the same." Referred to Committee on Educational Affairs.

The hour for special order having arrived, Senator Stewart moved to postpone, and take up Senate bill No. 118, entitled "An act to amend articles 3602 and 3603, chapter 10 of title 71 of the Revised Civil Statutes of the State of Texas." Adopted, and bill taken up.

Senator Martin of Navarro offered to amend by striking striking out where it occurs "one dollar" and insert "fifty cents." Withdrawn.

Senator Henderson offered the following amendment:

Amend article 3602, by inserting at close of section, "Or who shall be convicted of a misdemeanor, and by the verdict and judgment of the court punished by imprisonment in the county jail, such convict may be hired out for such term of imprisonment, and until the costs are paid; *provided*, that this law shall not apply where the judgment of the court is under the law, close confinement in the county jail."

Lost.

Senator Patton offered the following amendment: Amend by inserting after the words "one dollar per day," the following:

Provided, that said convict shall file with the county judge the certificate of his employer that he has been faithful in the discharge of the duties assigned him while so hired out; otherwise he shall be credited only with the amount for which he was actually hired."

Lost.

Senator Buchanan of Grimes, offered to amend as follows: Amend article 3602, by adding:

Provided further, that no person who has been convicted shall be hired out in any county other than the county in which he was convicted.

Adopted, and bill ordered engrossed.

On motion of Senator Stewart, rules were suspended and bill placed on its third reading by the following vote:

YEAS—24.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lane,	Stewart,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS.

Patton.

NOT VOTING.

Gooch.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lane,	Stewart,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin of Cooke,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS.

Patton.

NOT VOTING.

Gooch.

On motion of Senator Martin of Cooke, special order was further postponed, and Senate bill No. 104, entitled "An act prescribing the times for holding terms of the county court for criminal business in Grayson county," was taken up and read second time.

Senator Rainey offered the following amendment: Amend by inserting after the word "Grayson" the words "and Dallas," and strike out the word "county" and insert the word "counties" wherever necessary. Adopted, and bill ordered engrossed.

On motion of Senator Martin of Cooke, the rules were further suspended, and bill placed on its third reading by the following vote:

YEAS—24.

Buchanan of Wood,	Lair,	Rainey,
Burges,	Lane,	Shannon,
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Gooch,	Martin of Navarro;	Swain,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Homan,	Powers,	Wynne.

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes Tilson,

Bill read third time.

Senator Gooch offered to amend by inserting in the caption after the word "Grayson," the words "and Dallas," and change the word "county" to "counties." Adopted, and bill passed by the following vote:

YEAS—25.

Buchanan of Grimes	Lair,	Rainey,
Buchanan of Wood,	Lane,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Cooper,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.
Homan,		

NAYS—none.

NOT VOTING.

Hightower.

On motion of Senator Shannon, special order was further postponed, and Senate bill No. 79, entitled "An act to amend article 1659 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature of the State of Texas, prescribing the times of holding general elections," was taken up.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 10, 1881.

Hon L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate bill No. 79, entitled "An act to amend article 1659 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature of the State of Texas, prescribing the time of holding general elections," and report the same correctly engrossed.

STUBBS, for committee.

(President pro tem. in the chair.)

Bill read third time and passed by the following vote:

YEAS—19.

Buchanan of Grimes	Lane,	Stewart,
Buchanan of Wood,	Moore,	Stubbs,
Cooper,	Patton,	Swain,
Gooch,	Powers,	Terrell,
Henderson,	Rainey,	Weatherred,
Hightower,	Shannon,	Wynne.
Lair,		

NAYS—0.

Burton,	Homan,	Martin of Cooke,
Harris,	Lightfoot,	Martin of Navarro.

NOT VOTING.
Burgess.

Senator Martin of Cooke asked that the following reasons for his voting nay be printed in the journal:

Mr. President—While fully cognizant of the annoyance and expense to which citizens of certain counties in this State have been subjected by malicious prosecutions for political purposes in the Federal courts for so-called technical violations of the election laws, and that the jurisdiction of said Federal courts is assumed on the ground that members of Congress are elected at such election, I am nevertheless constrained to vote against this bill. The expense of holding one general election every two years is already heavy in actual outlay of money, as well as in loss of time to the people in attending the polls.

I do not think the evil complained of, which is confined to a very small locality, justifies the doubling of this expense for elections by holding two elections instead of one every two years. Much trouble and inconvenience, aside from the actual expense, would result to the people from having two political canvasses in one year. Experience with just such a law as this bill proposes in other States has shown it to be inconvenient and expensive, notably in the States of Maine and Indiana, in the former of which the law has recently been altered so as to have only one election for both Federal and State officers, and in the latter State an attempt was made to make the same change and was defeated only by a legal technicality. For these reasons I vote no.

Senators Lightfoot and Martin of Navarro, asked that the following reasons for their votes cast on the pending bill be printed in the journal.

We vote no for the following reasons:

1. The tax upon the people of the counties for holding elections will be double what it is now.

2. Because this bill seeks to hold two elections in the same year—one for Federal officers and the other for State and county officers;

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and we can see no good reason why the two elections should not be held together.

3. Because the people are now too much harrassed by candidates, and if we are to hold two elections in the same year they will lose interest in them, and will not turn out to both.

4. Because if we estimate the cost of the elections and the time consumed by the people and by the candidates in one general election, it will amount to millions of dollars, and true economy demands that we should keep the law as it is, and not double this cost.

5. Because our present Constitution and laws put a bridle upon taxation, and the election laws have been so arranged that we now only hold one general election in the same year, and if we continue to increase the costs of running the government, we will soon find that the "balance in the treasury" has given away to a large deficiency, with no means of liquidating it.

LIGHTFOOT,
MARTIN OF NAVARRO.

A message was received from the House announcing the concurrence of that body in the Senate amendment to House bill No. 172, "An act authorizing the County Commissioners' Court of Robertson county to issue bonds for the erection of a court house, and to levy a tax to pay for the same."

Also, that the House does not concur in Senate amendments to House concurrent resolution relative to the raising of two joint committees, and ask for a committee of conference.

The special order, being Senate joint resolution No. 20, "amending section 3, article 7, of the Constitution of the State of Texas, providing for a specific ad valorem school tax, and amending section 9, article 8, thereof, limiting the ad valorem tax for general purposes," was taken up, and on motion of Senator Shannon, the vote ordering said resolution engrossed was reconsidered.

Senator Lane offered the following amendment:

Amend section 3, by the addition of the following after the last word in said section, to-wit: "and the several counties in this State, may levy an ad valorem tax, not to exceed fifteen cents on the one hundred dollars of value, for the support of the schools of such county, and the Legislature shall enact a law whereby the freeholders of any county may determine by a majority vote whether such tax shall be imposed in such county." Adopted by the following vote:

YEAS—17.

Burgess,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Gooch,	Moore,	Swain,
Homan,	Powers,	Terrell,
Lair,	Rainey,	Weatherred.
Lane,	Shannon,	

NAYS—8.

Buchanan of Grimes	Henderson,	Patton,
Burton,	Hightower,	Wynne.
Harris,	Martin of Navarro,	

NOT VOTING.

Buchanan of Wood.

Senator Lane offered the following amendment: Strike out in section 3, in fifth and sixth lines of second page, the words "of twelve and one-half cents," and insert therefor "in an amount not to exceed twenty cents."

Senator Burgess offer to amend the amendment by striking out "20 cents" and inserting "15 cents."

(President in the chair.)

Senator Burgess' amendment was then lost by the following vote:

YEAS—8.

Burgess,	Lair,	Terrell,
Cooper,	Lightfoot,	Wynne.
Henderson,	Swain,	

NAYS—10.

Buchanan of Wood,	Lane,	Rainey,
Burton,	Martin of Cooke,	Shannon,
Gooch,	Martin of Navarro,	Stewart,
Harris,	Moore,	Stubbs,
Hightower,	Powers,	Weatherred.
Homan,		

NOT VOTING—2.

Buchanan of Grimes, Patton.

Senator Lane's amendment was then lost by the following vote:

YEAS—7.

Burges, Cooper, Lair,	Lane, Rainey,	Terrell, Weatherred.
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NAYS—18.

Buchanan of Grimes Buchanan of Wood, Burton, Gooch, Harris, Henderson,	Hightower, Homan, Lightfoot, Martin of Cooke, Martin of Navarro, Moore,	Powers, Shannon, Stewart, Stubbs, Swain, Wyane.
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NOT VOTING.

Patton.

Senator Stewart offered the following amendment: In section 3, line 7, strike out the words "one dollar" and insert in lieu thereof the words "two dollars." Adopted by the following vote:

YEAS—17.

Buchanan of Grimes Burton, Gooch, Hightower, Homan, Lane,	Lightfoot, Martin of Navarro, Moore, Patton, Powers, Rainey,	Shannon, Stewart, Stubbs, Swain, Wyane.
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NAYS—9.

Buchanan of Wood, Burges, Cooper,	Harris, Henderson, Lair,	Martin of Cooke, Terrell, Weatherred.
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Senator Gooch offered the following amendment: Amend section 9, article 8, by inserting after the words "public buildings" the words "or providing and maintaining city water-works."

Senator Martin of Cooke offered to amend the amendment by adding after the word "water-works" the words "and other permanent public improvements." Accepted, and amendment, as amended, adopted.

Senator Wynne moved to amend the amendment of Senator Lane by adding after the word "counties," in line 3, the words "towns and cities." Withdrawn.

Senator Patton moved to amend by striking out "freeholders" and inserting "qualified electors."

Lost by the following vote:

YEAS—10.

Burges, Burton, Cooper, Henderson,	Homan, Lair, Lightfoot,	Martin of Cooke, Patton, Powers.
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NAYS—16.

Buchanan of Grimes Buchanan of Wood, Gooch, Harris, Hightower, Lane,	Martin of Navarro, Moore, Rainey, Shannon, Stewart,	Stubbs, Swain, Terrell, Weatherred, Wynne.
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The resolution was then ordered engrossed.

Senate bill No. 98, entitled "An act to establish the University of Texas," being the next special order, was taken up and read second time.

Senator Hightower offered to amend section 2 by striking out "Tuesday," in first line of said section, and insert "Monday." Withdrawn.

Senator Gooch offered the following amendment: Amend section 2, line 18, page 3, by inserting after the words "it shall be open to all persons in the State who may wish to avail themselves of its advantages" the words "and to males and females on equal terms." Adopted.

Senator Stubbs offered the following amendment: Amend section 1, line 4, by adding to it:

The medical department of the University shall be located, if so

determined by a vote of the people, at a different point from the University proper, and as a branch thereof; and the question of the location of said department shall be submitted to the people, and voted on separately from the propositions for the location of the main University. The nominations and election for the location of the medical department shall be subject to the other provisions of this act, with respect to the time and manner of determining the location of the University.

Lost by the following vote, and bill ordered engrossed:

YEAS—9.

Burges, Harris, Homan,	Lair, Martin of Navarro, Powers,	Rainey, Shannon, Stubbs.
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YEAS—12.

Buchanan of Grimes Buchanan of Wood, Gooch, Henderson,	Hightower, Moore, Patton, Stewart,	Swain, Terrell, Weatherred, Wynne.
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NOT VOTING—5.

Burton, Cooper,	Lane, Lightfoot,	Martin of Cooke.
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Senator Terrell, by leave, introduced a joint resolution authorizing the Governor to employ a suitable and competent architect or architects to assist the board of commissioners appointed to superintend the construction of a new capitol, and to provide for the payment of his services. Referred to Committee on Public Grounds and Buildings.

Senator Shannon moved to postpone regular business and take up Senate joint resolution No. 20, passed to engrossment to-day, and that the vote ordering the same engrossed be reconsidered. Adopted.

Senator Martin of Cooke, offered to amend by striking out the word "freeholders," and inserting "property tax-payers."

Senator Martin of Navarro, moved that the resolution be postponed till to-morrow, and made special order after morning call. Adopted.

The President presented an invitation to Senators and officers of the Senate to attend a musical and literary entertainment at the Blind Asylum, on Friday next, eleventh instant, at 7:30 p. m., given by the blind boys and girls of said institution.

Senator Martin of Cooke moved to suspend regular business and take up House bill No. 292, entitled "An act to reorganize the Tenth Judicial District and to establish the Thirty-fifth Judicial District and prescribe the time of holding terms of courts therein, and providing for the appointment of a district attorney and a district judge for the Thirty-fifth Judicial District and a district attorney for the Tenth Judicial District." Adopted.

Bill taken up and read second time.

Senator Martin of Cooke offered the following amendment:

That owing to the recent organization of counties in the Panhandle making it impossible for the Judge of the Tenth District to hold court therein on account of the great extent of the district, an imperative public necessity and emergency exists that the Constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

On motion of Senator Swain the Senate adjourned till to-morrow morning at 10 o'clock.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 11, 1881. }

Senate met pursuant to adjournment; President Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Gooch, the reading of the journals of yesterday was dispensed with, and the same adopted.